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JAN 22 2007

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY

DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHAUKAT "SAL" MAREDA,

Plaintiff,

vs.

PHILIP MORRIS USA, and DOES 1 through
10, inclusive.

Defendants.

No. 1:05-cv-00393-OWW-SMS

**[PROPOSED] ORDER OF
DEFAULT BY COURT**

This action came on for hearing before this Court on December 4, 2006, Hon. Oliver W. Wanger, United States District Judge, presiding, on a motion pursuant to which defendant PHILIP MORRIS USA INC. sought to strike plaintiff Shaukat "Sal" Maredia's answer to defendant's counterclaim and entry of default judgment on defendant's counterclaim and, plaintiff having failed to oppose the motion, the evidence presented having been fully considered, the issues having been duly heard and a decision having been duly rendered,

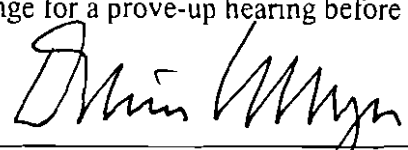
IT IS ORDERED AND ADJUDGED that the default of plaintiff Shaukat "Sal" Maredia on defendant's counterclaim is hereby entered.

IT IS FURTHER ORDERED that the trial date of February 27, 2007, the pre-trial conference date of January 16, 2007 and all remaining pre-trial deadlines are hereby vacated.

1 Defendant PHILIP MORRIS USA INC. shall arrange for a prove-up hearing before Magistrate

2 Judge Snyder.

3 Dated: January 19, 2006


UNITED STATES DISTRICT JUDGE

4
5 Submitted by

6 JEDEIKIN, SPAULDING, MEADOWS & SCHNEIDER

7 WILLIAMS MULLEN

8 By: /s/ Leopoldo J. Chanco

9 LEOPOLDO J. CHANCO
10 Attorneys for Defendant
11 PHILIP MORRIS USA INC.
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CASE NAME: *Shaukat "Sal" Maredia v. Philip Morris USA*
CASE NO. : U.S. District Court, C.D. - California No. 1:05-cv-00393-OWW-SMS
DOCUMENTS: [Proposed] Order of Default by Court

PROOF OF SERVICE BY MAIL

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 333 Pine Street, Fifth Floor, San Francisco, California 94104.

On the below stated date, I served the above named document on the parties in this action by placing the original/copy enclosed in a sealed envelope addressed as shown below.

I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in affidavit:

Shaukat "Sal" Maredia
13200 Seann Court
Bakersfield, CA 93314

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on December 14, 2006 at San Francisco, California.


Regina M. McCall